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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,184

05/17/2005

Teruo Hitosugi

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12/04/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

DEMEREE, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3782

NOTIFICATION DATE

DELIVERY MODE

12/04/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/535,184	<b>Applicant(s)</b> HITOSUGI, TERUO	
	<b>Examiner</b> CHRISTOPHER DEMEREE	<b>Art Unit</b> 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,14,15,17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 14, 15, 17 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger et al. (US 5147062 A; hereinafter Heuberger) in view of Shryock (Des 363455 A).

Regarding claims 1, 3 and 23, Heuberger teaches a paper pack container with internal bag for receiving fluids which comprises a flexible region and is capable of discharging fluidity contents for image formation when placed into a container loading part of an image forming apparatus, the container storage box comprising sidewall faces which prevent deformation of the deformable container during storage, wherein said sidewall faces are configured to regulate a configuration of the deformable

container in a configuration accommodated in the container loading part wherein the container storage box comprises a plurality of sidewall faces, at least two opposing ones of the plurality of sidewall faces regulating the configuration of the container and fixing a position of the container by contact-surface resistance with the container during storage. Heuberger lacks a container consisting of four pairs of opposing sidewall faces; each of said pairs of faces being non-parallel with its opposing face.

Shryock teaches a container comprising four pairs of opposing, non-parallel sidewall faces (see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Heuberger's container for dispensing flour to take on the truncated tetrahedral shape as taught by Shryock since such a modification would have involved a mere change in the shape of a component. A change in shape and size is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F. 2d 669, 149 USPQ 47 (CCPA 1966).

4. Claims 14, 15, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger in view of Shryock, as applied to Claim 1 above, and further in view of Katsuyama (US 6519436 B2).

Regarding claims 14 and 15, Heuberger teaches everything except indication, or instructions, about the contents of the container. Katsuyama teaches a toner powder container comprising an indication (89), or instructions, about the use of the container (Col 8; lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to further modify Heuberger's container to include

instructions on any number of the panels to instruct a user on how to disassemble said container as taught by Katsuyama.

Regarding claim 20, Heuberger teaches a container comprising rounded surfaces (see Fig. 6), but lacks teaching a box comprising partial lamination. Katsuyama teaches a toner powder container comprising a laminate of flexible sheets (Col 5 lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to further modify Heuberger's container to include partial lamination in order to better mate the inner toner bag with the mouth of the container storage box (Katsuyama '436; lines 14-19).

Regarding claim 22, Heuberger teaches everything except that the container is used as a toner storage container. Katsuyama teaches a container for storing toner (see Abstract). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use Heuberger's fluid container as a toner storage container, as taught by Katsuyama.

5. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heuberger in view of Shryock, as applied to Claim 1 above, and further in view of Lloyd et al. (US 6253993 B1; hereinafter Lloyd).

Regarding claim 17, Heuberger teaches everything except perforations provided on the sheet material of the container that allow the assembly of said container. Lloyd teaches a container wherein the blank for forming the container is provided with numerous perforations to facilitate folding of said container without compromising the integrity of said container (Col 10 lines 24-36). It would have been obvious to one of

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ordinary skill in the art at the time of applicant's invention to further modify Heuberger's container to include perforations for the fold lines in order to facilitate the construction of the container as taught by Lloyd.

Regarding claim 21, Heuberger teaches everything except that the container storage box is made a corrugated cardboard material (examiner considers corrugated cardboard to be generally shock resistant). Lloyd teaches a container fabricated from cardboard, paperboard, corrugated paperboard or the like (Col 1 lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to fabricate Heuberger's container out of corrugated cardboard because of the material's durability and cost effectiveness (Lloyd; Col 1 lines 16-20).

### ***Response to Arguments***

6. Applicant's arguments, see Pages 5 and 6, filed 9/18/2008, with respect to the rejection(s) of claim(s) 1, 3 and 5 under USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Heuberger in view of Shryock.

7. Applicant's arguments with respect to claims 1, 3, 15, 17 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER DEMEREE whose telephone number is (571)270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Demeree/  
Examiner, Art Unit 3782

/Gary E. Elkins/  
Primary Examiner, Art Unit 3782